



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-12-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP NO.18389 OF 2011

AND

WMP NO.5621 OF 2021

1.P.Dhanabakkiam (deceased)

2.M.Kamatchi

3.P.Dhanalakshmi

(Petitioners 2 and 3 are substituted as LRs of the
first petitioner vide order of Court dated 31.01.2020
made in WMP N.392 of 2020)

.. Petitioners

vs.

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
800, Anna Salai,
Chennai - 600 002.

2. The Assistant Engineer,
Tamil Nadu Electricity Board,
O&M/CEDC/West/TNEB,
Koyambedu Market Section,
Chennai - 600 107.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay Rs.25,00,000/- (Rupees Twenty Five Lakhs only) towards compensation to the second and third petitioners for the death of the first petitioner's son, namely, P.Thiagarajan.

For Petitioners : Mr.K.Malaikannu

For Respondents : Mr.L.Jaivenkatesh,
Standing Counsel for TANGEDCO.



O R D E R

The relief sought for in the present writ petition is to direct the respondents to pay compensation of Rs.25 lakhs on account of death of the brother of the second and third petitioners.

2. The first petitioner Tmt.P.Dhanabakkiam, who is the mother of the deceased, died during the pendency of the present writ petition and the second and third petitioners, who are the sisters of the deceased, are impleaded.

3. On 27.07.2009, the brother of the second and third petitioners Mr.P.Thiyagarajan, aged about 27 years, went to Koyambedu mofussil Bus Terminus on his way to Andhra Pradesh by bus in connection with his Textile business. In Koyambedu Chennai Mofussil Bus Terminus in front of Ramakrishna Weigh Bridge, there was a barbed iron fencing and the iron fencing were lying on the ground. A tube light was tied in the trunk of the tree, which was standing in front of Ramakrishna Weigh Bridge. The tube light was tied along with the tree by one end of the iron fencing wire which had fallen down and the electric power supply was given to the tube light from the Office of the Ramakrishna Weigh Bridge through overhead wire.

4. On 27.07.2009, at about 11.00 P.M., there was rain and the electric power had inducted in the iron fencing wire by which the tube light was tied along with the trunk of the tree and the electric power was inducted in the remaining part of the iron fencing wire lying on the ground. When the brother of the second and third petitioners was walking there in front of Ramakrishna Weigh Bridge to attend his natural call near the said tree, he stepped on the live iron fencing wire without knowing that electric power and inducted in the lying fencing wire, which resulted in electrocution of the brother of the second and third petitioners and subsequently, the brother of the second and third petitioners died.

5. In the counter, the respondents have stated that Ramakrishna Weigh Bridge is responsible for the accident, as the accident occurred in the place of Ramakrishna Weight Bridge and therefore, the Electricity Board is not liable to pay compensation.



6. This Court is of the considered opinion that Ramakrishna Weigh Bridge committed an illegality in fixing the tube light near by the Main Road by extending the Electricity Service Connection. It is the duty of the Electricity Board Authorities to monitor such illegality or irregular usage of electricity power supply by the consumers at Koyambedu Bus Terminus Power Supply, wherein large number of travellers are walking on the road. Therefore, the Electricity Board Authorities are expected to be more cautious and any such illegal extension of electricity wire or fixing of electrical equipments must be periodically monitored and actions must be taken in order to prevent such accidents of electrocutions.

7. Though the accident occurred, while the deceased was walking on the road nearby Ramakrishna Weigh Bridge, the electrocution occurred on account of the deceased, fell on the wire of the tube light tied along with the tree nearby Ramakrishna Weigh Bridge. This being the factum, the Electricity Board Authorities cannot shift their responsibility of monitoring the illegal usage of electricity power in public places or extending the electricity power supply by fixing the electrical equipments on the road or nearby the road, which is impermissible as per the Rules and Regulations of the Electricity Act.

8. This apart, the deceased was walking to reach the Bus Stand and he had no occasion to enter into Ramakrishna Weigh Bridge. Thus the contention of the respondents that the Ramakrishna Weigh Bridge is responsible for the incident, cannot be accepted, as the petitioner was waking towards the Bus Stand for the purpose of getting into the bus to proceed to Andhra Pradesh. This apart, the death of electrocution is not denied. Thus, further examination of evidence is not required.

9. In view of the fact that the death occurred due to electrocution to the brother of the second and third petitioners, the second and third petitioners are entitled for compensation. Accordingly, the Electricity Board Authorities are directed to pay a sum of Rs.5 lakhs along with interest at the rate of 7.5% per annum from the date of death of the deceased i.e., on 27.07.2009 till the date of realisation. The respondents are directed to settle the compensation along with interest at the rate of 7.5% per annum, within a period of three months from the date of receipt of a copy of this order. However in case, the Electricity Board Authorities found that the Ramakrishna Weigh Bridge has committed the illegality regarding the usage of electricity power supply, which resulted in death



of the brother of the second and third petitioners, the Electricity Board Authorities are bound to initiate all appropriate actions, including recovery of compensation from the said Ramakrishna Weigh Bridge by providing an opportunity of hearing.

10. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
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Chennai - 600 002.
2. The Assistant Engineer,
Tamil Nadu Electricity Board,
O&M/CEDC/West/TNEB,
Koyambedu Market Section,
Chennai - 600 107.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.64441
+1cc to Mr.K.Malaikannu, Advocate, S.R.No.64255

WP 18389 of 2011

AD(CO)
PM/16/12/2021